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November 12, 2008
MCA-MDT Technical Committee Meeting Minutes

Kevin Christensen opened the meeting with introductions.

MDT NEW BUSINESS

1. Summary of Proposed Specification Revisions. MDT and MCA briefly discussed the specification changes for November. MCA will submit any written comments by the due date of November 28, 2008. The proposed spec changes are available on the MDT website and internally on MDT's share drive.

Current Specifications out for Comment

101.13 Definitions (3 areas for roadside revegetation)
102.15 Venue
105.03.1 General (Conformity with Plans and Specifications).
108.07.3 Working Day Contracts
559 Piling (Revisions to 9 Subsections and 1 new Subsection)
610 Roadside Revegetation (Revisions to 4 Subsections)
612 Paints and Painting and Powder Coating (Revisions to 5 Subsections),
618.04.1 Traffic Control Devices
710.03 Powder Coating (New Subsection)

2. Future Meetings. MDT briefly discussed the technicalities involved with the change in venue (Commission Room at MDT headquarters). MDT stated that meetings are open to the public and plans on advertising the meetings on the MDT web site. MDT requested that MCA send a list of sites to reserve for remote attendance 10 days before the scheduled meeting due to D of A's requirements to bridge the polycom's. MCA requested that MDT post an agenda on the MDT website two weeks before the scheduled date. Billings, Great Falls and Butte Districts requested to be connected for every meeting.

3. Erosion Control. Lump sum erosion control will be implemented on all projects starting with the January 2009 letting. MDT will supply the contractor a set of maps with mainline and contours, but no BMP's.

4. Contract Documents. MDT asked if a summary of changes to contract documents would be useful (Detailed Drawing text changes, rate schedules, Table of Contractors Submittals, etc.). MDT prefers NOT to have such a summary because it is incumbent upon all bidders to read and understand the contract documents and a summary may cause problems if the documents are not examined completely.

5. Fuel Price. MDT stated that fuel price adjustment will not be paid for stockpiled materials. MDT is still looking at possible changes for the number of items eligible (currently 10) and the timing for submission of the list.

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OLD BUSINESS

1. Suppliers and Subcontractors. MDT is working on a Table to list activities and work that do, or do not, require a Subcontract. MDT looked into a pre-approved list and it is not workable for various reasons (consent of surety, item quantities, etc.). MDT is also working on a short form submittal with a quick (24- hour) turn around time.

2. Bid Documents. MCA is concerned with the confidentiality of bid documents if they are opened and become public information. This could possibly allow competitors legal access to review bid documents. MDT only opens bid documents as a last resort, but once they are opened it is Legal's opinion that they are public documents. MDT would attempt to avoid disclosing the documents to third parties but would need to comply with the law.

3. Epoxy Striping. MCA will follow up with written comments to the discussion last month about the 30 to 45 day window between seal and cover and application of epoxy.

4. Bid Lettings. MDT announced that the highway commission has approved bi-monthly bid lettings starting Jan 15, 2009. This will not change the length of advertising or the Q&A.

MCA NEW BUSINESS

1. Timeliness of Deductions. MCA stated that they often receive deductions for material or work that failed weeks or months after they have paid their subcontractor and it is difficult or impossible to recover the money from the subcontractor. This is usually caused by the time required to sample and test certain materials. MCA suggested revising the payment schedule to subcontractors but this is regulated under state law. MDT believes the tests are being performed in a timely manner and will continue to monitor the testing process to avoid delays.

2. Bi-monthly Payments. MCA stated they still do not always receive payment for all material and work performed on each estimate. MDT pays based on quantities of tested and incorporated materials and work performed immediately prior to the estimate cut-off may not be paid until the following estimate due to the testing requirements. MCA asked about a bi-monthly estimate. MDT believes that may be possible in the future but not anytime soon.

3. Claims filed by Subcontractors. MCA discussed some recent problems they have had with a subcontractor attempting to file a claim against MDT. MDT pointed out that the Department does not have a contract with the subcontractor's, only the prime. The Prime must file the claim and only if they agree with it and want to pursue the claim. The Prime is not to simply pass the subcontractor claim along to the Department.

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4. Miscellaneous Deduction Guide. MCA requested that MDT post the Miscellaneous Deduction Help Guide on the MDT website. MDT agreed but wanted to run the decision through legal services. MDT reminded MCA that it is only a guideline and that engineering judgment must be utilized in many situations.

5. Contract Time. MCA argued that MDT does not allow sufficient contract time in many of their construction contracts. MDT responded that if a contractor determines that contract time is improperly estimated to utilize the Q and A forum and justify why more time is needed.

The next meeting is scheduled for January 21, 2009, at 10:00 a.m. in the Commission Room at MDT Headquarters. There will not be a December meeting.